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PATENT
Docket No.: 018484-002281US

TOWNSEND and TOWNSEND and CREW LLP

By: 
Leticia A. Hernandez**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

GLORIOSO et al.

Application No.: 09/731,175

Filed: December 5, 2000

For: GENE TRANSFER FOR
STUDYING AND TREATING A
CONNECTIVE TISSUE OF A
MAMMALIAN HOST

Examiner: R. Shukla

Art Unit: 1632

RESPONSE TO

RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the second restriction requirement mailed May 30, 2003, Applicants elect group V (methods drawn to treating a connective disorder in a mammalian host by transplanting a connective tissue cell expressing IL-1 receptor in the host) with traverse. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have a separate classification, acquired a separate status in the art, or that searching would require different fields of search (MPEP at § 808.02). Applicants respectfully

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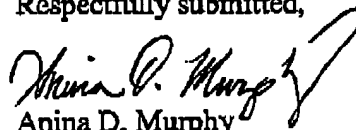
PATENT

submit that all of the inventions in the present application can readily be searched without undue burden.

The Examiner has included claims 1, 2 12, 15, 17, 19, 20, 22, 23, 25, 26 and 45 in restriction group V. Applicants respectfully request that claims 3, 4 and 21 be included in restriction group V, as the subject matter of these claims is clearly related to the subject matter of the claims of restriction group V. Claims 3 and 21 further define the connective tissue target cells of claim 2. Claim 4 defines the site of transplantation of the cells of the claimed methods of the invention. Each of these claims can be used with the claims of restriction group V and would not require separate searches in the patent and non-patentable literature.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at .

Respectfully submitted,


Anina D. Murphy
Reg. No. 51,049

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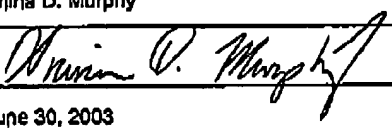
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/731,175	
	Filing Date	December 5, 2000	
	First Named Inventor	Glorioso et al.	
	Art Unit	1632	
	Examiner Name	R.Shukla	
Total Number of Pages in This Submission	3	Attorney Docket Number	018484-002281US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Response to Restriction Requirement (2 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Townsend and Townsend and Crew LLP Anjina D. Murphy	Reg. No. 51,049
Signature		
Date	June 30, 2003	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-6306 on June 30, 2003.		
Typed or printed name	Leticia A. Hernandez	
Signature		Date June 30, 2003

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